

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SIMON PHILLIPS, III,

Plaintiff,

v.

Case No. 10-11197

Honorable Patrick J. Duggan

OFFICER SETTLES,

Defendant.

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**JUDGMENT**

Plaintiff, a former inmate at the Washtenaw County Jail, filed this civil rights action pursuant to 42 U.S.C. § 1983 on March 25, 2010. Plaintiff alleges that Defendant assaulted him. On September 1, 2010, Plaintiff filed a motion for partial summary judgment. On October 15, 2010, Defendant filed a motion for summary judgment. In an Opinion and Order entered on this date, the Court granted Defendant's motion based on Plaintiff's failure to exhaust his administrative remedies as required under the Prison Litigation Reform Act of 1996, 42 U.S.C. § 1997e(a). The Court therefore denied Plaintiff's motion for summary judgment.

Accordingly,

**IT IS ORDERED, ADJUDGED, AND DECREED**, that Plaintiff's Complaint is  
**DISMISSED WITHOUT PREJUDICE.**

Date: September 15, 2011

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

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Magistrate Judge R. Steven Whalen